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GREAT FALLS DIV.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

DOUGLAS R. BOESE,

Plaintiff,

vs.

WARDEN MIKE MAHONEY,

Defendant.

No. CV-05-113-GF-SEH

ORDER

On November 14, 2006, Plaintiff filed a Petition Under 28 USC § 2254 for Writ of Habeas Corpus. United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation¹ on May 16, 2006. Plaintiff filed objections on May 30, 2006. The Court reviews *de novo* findings and recommendation to which objection is made. 28 U.S.C. § 636(b)(1).

¹ Docket No. 12.

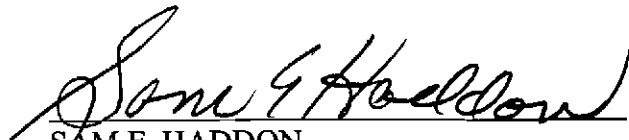
Judge Ostby found that the Court had no authority to entertain a second petition for writ of habeas corpus from Plaintiff. Judge Ostby recommended that Plaintiff's petition be dismissed with prejudice.

Accordingly, after *de novo* review of the record, I adopt in full the Findings and Recommendation of Judge Ostby.

ORDERED:

Plaintiff's Petition Under 28 USC § 2254 for Writ of Habeas Corpus² is DISMISSED with prejudice.

DATED this 12th day of June, 2006.


SAM E. HADDON
United States District Judge

²Docket No. 1.